

PUBLIC HEALTH CODE (EXCERPT)

Act 368 of 1978

PART 181

COUNSELING

333.18101 Definitions.

Sec. 18101. As used in this part:

(a) "Counseling principles, methods, or procedures" means a developmental approach that systematically assists an individual through the application of any of the following procedures:

(i) Evaluation and appraisal techniques. As used in this subparagraph, "appraisal techniques" means selecting, administering, scoring, and interpreting instruments and procedures designed to assess an individual's aptitudes, interests, attitudes, abilities, achievements, and personal characteristics for developmental purposes and not for psychodiagnostic purposes.

(ii) Exploring alternative solutions.

(iii) Developing and providing a counseling plan for mental and emotional development.

(iv) Guidance.

(v) Psychoeducational consulting.

(vi) Learning theory.

(vii) Individual and group techniques emphasizing prevention.

(viii) Counseling techniques.

(ix) Behavioral modification techniques.

(x) Referrals. As used in this subparagraph, referral includes determining the need for referral to 1 or more statutorily regulated mental health professionals whose expertise, skills, and competence are appropriate to the problems of the individual, informing the individual of the referral, and communicating as appropriate with the professional to whom the individual has been referred.

(b) "Licensed professional counselor" means an individual licensed under this article to engage in the practice of counseling.

(c) "Limited licensed counselor" means an individual who has been granted a limited license by the board to offer counseling services under the supervision of a licensed professional counselor.

(d) "Practice of counseling" or "counseling" means the rendering to individuals, groups, families, organizations, or the general public a service involving the application of clinical counseling principles, methods, or procedures for the purpose of achieving social, personal, career, and emotional development and with the goal of promoting and enhancing healthy self actualizing and satisfying lifestyles whether the services are rendered in an educational, business, health, private practice, or human services setting. The practice of counseling does not include the practice of psychology except for those preventive techniques, counseling techniques, or behavior modification techniques for which the licensed professional counselor or limited licensed counselor has been specifically trained. The practice of counseling does not include the practice of medicine such as prescribing drugs or administering electroconvulsive therapy. A counselor shall not hold himself or herself out as a psychologist as defined in section 18201. A counselor shall not hold himself or herself out as a marriage and family counselor providing marriage counseling pursuant to section 1501 of the occupational code, Act No. 299 of the Public Acts of 1980, being section 339.1501 of the Michigan Compiled Laws.

History: Add. 1988, Act 421, Eff. Mar. 30, 1989.

Compiler's note: For transfer of powers and duties of certain health-related functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

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333.18103 Michigan board of counseling; creation; membership; terms of office.

Sec. 18103. (1) The Michigan board of counseling is created in the department. The board shall consist of the following 11 voting members who shall meet the requirements of part 161:

(a) Six members of the board shall be engaged in the practice of counseling and shall consist of: 3 members who are engaged primarily in providing counseling techniques, behavior modification techniques, or preventive techniques to clients; 2 members who are engaged primarily in teaching, training, or research in counseling; and 1 member who is engaged primarily in the administration of counseling services.

(b) Four members of the general public.

(c) One member who is a statutorily regulated mental health professional. As used in this subdivision,

"statutorily regulated mental health professional" means any of the following: a psychiatrist, psychologist, substance abuse counselor, marriage and family therapist, or social worker.

(2) The terms of office of individual members of the board created under this section, except those appointed to fill vacancies, expire 4 years after appointment on June 30 of the year in which the term expires.

History: Add. 1988, Act 421, Eff. Mar. 30, 1989;—Am. 1993, Act 79, Eff. Apr. 1, 1994;—Am. 2006, Act 429, Imd. Eff. Oct. 5, 2006.

Popular name: Act 368

333.18105 Practice of counseling; conditions; use of words, titles, or letters.

Sec. 18105. (1) A licensee shall not perform any acts, tasks, or functions within the practice of counseling unless he or she is trained to perform such acts, tasks, or functions.

(2) Effective October 1, 1990, a person shall not engage in the practice of counseling unless licensed or otherwise authorized under this article.

(3) The following words, titles, or letters or a combination thereof, with or without qualifying words or phrases, are restricted in use only to those persons authorized under this part to use the terms and in a way prescribed in this part: "licensed professional counselor", "licensed counselor", "professional counselor", and "l.p.c.".

History: Add. 1988, Act 421, Eff. Mar. 30, 1989;—Am. 1989, Act 262, Imd. Eff. Dec. 26, 1989;—Am. 2006, Act 429, Imd. Eff. Oct. 5, 2006.

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*****333.18107 SUBDIVISION (C) OF SUBSECTION (1) IS EFFECTIVE OCTOBER 1, 1994: See (1)(c) of 333.18107 *****

333.18107 Professional counselor license; qualifications.

Sec. 18107. (1) The board may grant a professional counselor license to an individual who is or does all of the following:

(a) Is not less than 21 years of age.

(b) Has received a masters or doctoral degree in counseling or student personnel work in a program approved by the board. The board shall promulgate rules to establish standards to approve only those programs that include graduate studies in the following areas: research, group techniques, counseling theories, ethics, counseling techniques, counseling philosophy, testing procedures, career development, consulting, practicum, and internship.

(c) Has at least 2 years of counseling experience under the supervision of a licensed professional counselor. The board may decrease the required length of counseling experience under the supervision of a licensed professional counselor to 1 year if an applicant has completed 30 hours of graduate study in counseling beyond the master's degree. An applicant shall not be licensed before completing 1 year of counseling experience under the supervision of a licensed professional counselor. This subdivision shall take effect on October 1, 1994.

(2) By October 1, 1993, an individual who meets the requirement of subsection (1)(a), has 2 years of experience, and holds a master's or doctoral degree in counseling or student personnel work that does not meet the requirements of subsection (1)(b), may be granted a license by the board.

History: Add. 1988, Act 421, Eff. Mar. 30, 1989;—Am. 1989, Act 262, Imd. Eff. Dec. 26, 1989.

Compiler's note: In subsection (1)(b), "Has received a masters" evidently should read "Has received a master's."

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333.18109 Limited license; qualifications; renewal; restricted practice.

Sec. 18109. (1) Until October 1, 1991, the board may grant a limited license to an individual who has received a bachelor's degree and has engaged in the practice of counseling for not less than 5 years. The limited license shall be renewable for not more than 2 years.

(2) A limited license issued under this section shall require that the individual confine his or her practice to a program of counseling experience under the supervision of a licensed professional counselor.

History: Add. 1988, Act 421, Eff. Mar. 30, 1989;—Am. 1989, Act 262, Imd. Eff. Dec. 26, 1989.

Popular name: Act 368

333.18111 Limited license; criteria; restricted practice.

Sec. 18111. (1) The board may grant a limited license to an individual who meets both of the following criteria:

(a) Is not less than 21 years of age.

(b) Has received, from an accredited college or university approved by the department, a masters or doctoral degree in counseling or student personnel work in a program approved by the board. The board shall approve only those programs that include graduate studies in the following areas: research, group techniques, counseling theories, ethics, counseling techniques, counseling philosophy, testing procedures, career development, consulting, practicum, and internship.

(2) A limited license issued under this section shall require that the individual confine his or her practice to a program of counseling experience under the supervision of a licensed professional counselor.

History: Add. 1988, Act 421, Eff. Mar. 30, 1989.

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333.18113 Professional disclosure statement.

Sec. 18113. (1) A licensee shall furnish a professional disclosure statement to a prospective client before engaging in counseling services.

(2) A professional disclosure statement required under this section shall contain all of the following:

(a) The licensee's name, business address, and telephone number.

(b) A description of the licensee's practice.

(c) A description of the education and experience of the licensee.

(d) The licensee's counseling fee schedule.

(e) The name, address, and telephone number of the department.

(3) The disclosure statement shall accompany the original application for licensure. Any changes in the disclosure statement shall be filed with the department within 30 days after the changes are made.

History: Add. 1988, Act 421, Eff. Mar. 30, 1989.

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333.18115 Practice of statutorily regulated profession or occupation not limited; definition; applicability of part; use of word "counselor."

Sec. 18115. (1) This article does not limit an individual in, nor prevent an individual from, the practice of a statutorily regulated profession or occupation if counseling is part of the services provided by that profession or occupation, and the individual does not hold himself or herself out as a counselor regulated under this article. As used in this subsection, "statutorily regulated profession or occupation" includes, but is not limited to, all of the following: a physician, attorney, marriage and family therapist, debt management counselor, social worker, social services technician, licensed psychologist, limited licensed psychologist, temporary limited licensed psychologist, or school counselor.

(2) This part does not apply to any of the following:

(a) An ordained member of the clergy if counseling is incidental to his or her religious duties performed under the auspices or recognition of a church, denomination, religious association, or sect, that has tax exempt status pursuant to section 501(c)(3) of the internal revenue code of 1986, 26 USC 501, if the member of the clergy does not hold himself or herself out as a counselor licensed under this article.

(b) An individual who performs volunteer services for a public or private nonprofit organization, church, or charity, if the individual is approved by the organization or agency for which the services are rendered.

(c) An individual who is employed by or who volunteers to work in a program licensed by the office of substance abuse services.

(d) A member of any other profession whose practice may include counseling principles, methods, or procedures from practicing his or her profession as long as he or she is trained in that profession and does not hold himself or herself out as a counselor providing counseling. As used in this subdivision, "profession" includes, but is not limited to, the fields of human resources development and organizational development.

(3) Notwithstanding section 18105(3), this part does not prohibit the use of the word "counselor" without the qualifying words "licensed" or "professional" used in conjunction with the word "counselor", except as otherwise provided by law.

History: Add. 1988, Act 421, Eff. Mar. 30, 1989;—Am. 2006, Act 429, Imd. Eff. Oct. 5, 2006.

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333.18117 Privileged communications; disclosure of confidential information.

Sec. 18117. For the purposes of this part, the confidential relations and communications between a licensed professional counselor or a limited licensed counselor and a client of the licensed professional counselor or a limited licensed counselor are privileged communications, and this part does not require a privileged communication to be disclosed, except as otherwise provided by law. Confidential information may be

disclosed only upon consent of the client, pursuant to section 16222 if the licensee reasonably believes it is necessary to disclose the information to comply with section 16222, or under section 16281.

History: Add. 1988, Act 421, Eff. Mar. 30, 1989;—Am. 1993, Act 79, Eff. Apr. 1, 1994;—Am. 1998, Act 496, Eff. Mar. 1, 1999.

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